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Morocco claims the Western Sahara and administers Moroccan law and regulation in the approximately 85 percent of the territory which it controls; however, sovereignty remains disputed between the Government of Morocco and the Polisario Front (Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro), an organization seeking independence for the region. The Moroccan Government sent troops and settlers into the northern two-thirds of the Western Sahara after Spain withdrew in 1975, and extended its administration over the southern province of Oued Ed-Dahab after Mauritania renounced its claim in 1979. Since 1973, the Polisario has challenged the claims of Spain, Mauritania, and Morocco to the territory. Moroccan and Polisario forces fought intermittently from 1975 until the 1991 ceasefire and deployment to the area of a U.N. peacekeeping contingent, known by its French initials, MINURSO.

In 1975, the International Court of Justice advised that while some of the region's tribes had historical ties to Morocco, the ties were insufficient to establish "any tie of territorial sovereignty" between the Western Sahara and Morocco. The Court added that it had not found "legal ties" that might affect the applicable U.N. General Assembly resolution regarding the de-colonization of the territory, and, in particular, the principle of self-determination for its people. Sahrawis (as the persons native to the territory are called) live in the area controlled by Morocco, as refugees in Algeria near the border with Morocco, and to a lesser extent, in Mauritania. A Moroccan-constructed sand wall encloses most of the territory.

In 1988, Morocco and the Polisario accepted the U.N. plan for a referendum allowing the Sahrawis to decide between integration with Morocco or independence for the territory. However, disagreements over voter eligibility were not resolved, and a referendum has not yet taken place. In 1997, U.N. Secretary General Kofi Annan appointed former U.S. Secretary of State James Baker as his personal envoy to examine approaches for a peaceful settlement.

During the following years, former Secretary Baker has visited the region, consulted with the parties, and offered proposals to resolve the problem. In January, he presented a peace plan that called for a 4 to 5 year period of limited autonomy for an interim administration composed of elected members of a Western Sahara Authority, to be followed by a referendum to determine the status of the territory. Morocco rejected the plan, while the Polisario accepted it. Subsequently, an adjusted text to the Baker Plan added an additional ballot option in the referendum to include self-government or autonomy, in addition to the two previous options of independence or integration into Morocco. In July, the Security Council called on the parties to work towards its acceptance and implementation. Morocco voiced objections to that resolution, while the Polisario expressed support. The Security Council voted in October to extend the MINURSO mandate until January 31, 2004 to give the parties more time to work out their differences.

A sizeable Moroccan economic program subsidizes migration and development as part of its efforts to strengthen Moroccan claims to the territory. The population of the territory was an estimated 260,000. Incomes and standards of living in the market-based economy remained substantially below Moroccan levels, although fuel, power, water, and commodities such as flour, cooking oil, and sugar were subsidized.

Since 1977 the Saharan provinces of Laayoune, Smara, Awsard, and Boujdour (and Oued Ed-Dahab since 1983) have participated in elections organized and controlled by the Moroccan Government. In the September 2002 parliamentary elections, Sahrawis whose political views were aligned with the Moroccan Government filled all the seats allotted to the Western Sahara. On September 12, Moroccan municipal elections took place, including in the Western Sahara. No Sahrawis opposed to Moroccan sovereignty were candidates in the election. According to Moroccan government statistics, the national turnout was 54 percent, including 68 percent in the Western Sahara. There was no progress during the year on local elections to choose members to the proposed new Royal Advisory Council on the Western Sahara that the King had announced in 1999.

In July, three prisoners were convicted for the November 2002 death in custody of Mohamed Boucetta, imprisoned in Laayoune for drug charges. A prison guard was acquitted in the case.

As in past years, there were no new cases of disappearance in that part of the Western Sahara under Moroccan administration. The forced disappearance of individuals who opposed the Government of Morocco and its policies occurred over several decades; however, the Government in 1998 pledged to ensure that such activities would not recur, and to disclose as much

information as possible on past cases. Those who disappeared were Sahrawis or Moroccans who challenged the Moroccan Government's claim to the Western Sahara or other government policies. Many of those who disappeared were held in secret detention camps. Although in 1991 the Moroccan Government released more than 300 such detainees, hundreds of Sahrawi and Moroccan families did not have any information at year's end regarding their missing relatives, many of whom disappeared over 20 years ago.

International human rights organizations continued to claim that disappearances of Sahrawis in the Western Sahara could number between 1,000 and 1,500, although conditions in the territory prevented confirmation of this figure.

Through the Arbitration Commission of the Royal Advisory Council on Human Rights (CCDH), the Government in 2000 began distributing preliminary compensation payments to affected Sahrawis, and announced that more compensation could be distributed pending the results of a review of petitions by Sahrawi claimants. However, many still viewed the process as biased, slow, and flawed administratively.

On November 6, following a recommendation of the CCDH, the King approved the creation of the Justice and Reconciliation Committee, a nonjudicial body, to pursue out-of-court settlements of human rights abuses related to forced disappearances and arbitrary detention prior to his assumption of the throne in 1999 and to complete a fair and equitable rehabilitation of victims. Eight members of the Committee were members of the CCDH, and the eight others were well-known judicial, university and human rights figures. According to press reports, the Committee was expected to consider thousands of cases, a number of them dealing with the Western Sahara.

The 1998 U.N. settlement plan called for the release of all prisoners of war (POWs) after the voter identification process was completed. In 1999, MINURSO completed the voter identification process. The Moroccan Government continued to hold or withhold information on 150 Polisario combatants and supporters, according to Polisario claims. The Government of Morocco formally denied that any Sahrawi former combatants remained in detention.

The Polisario released 100 Moroccan POWs in February, 243 in September, and 300 in November. At year's end, the Polisario held 614 POWs, of whom more than half had been prisoners for over 20 years. There continued to be credible reports from international organizations, Moroccan NGOs, and the French NGO France Liberte that Moroccan POWs suffered serious physical and psychological health problems due to their prolonged detention, abuse and forced labor.

The Government of Morocco claims that the Polisario detained 48,000 Sahrawi refugees against their will in camps near Tindouf, in southwestern Algeria. The Polisario denies this charge. The UNHCR and the World Food Program in December appealed to donors for food aid for a population of 165,000 in the refugee camps. The UNHCR office in Laayoune temporarily suspended its operations at the end of the year due to lack of movement on confidence-building measures between the Moroccan Government and the Polisario, such as family visits between the camps and the communities from which the refugees originated, mail exchanges, and telephone communication.

Police arrested and detained Sahrawis who supported Saharan independence. In March, Salek Bazid, a member of the Moroccan human rights NGO Forum for Truth and Justice (FVJ), was tried and sentenced to 10 years in prison for participating in violent conflicts with police in Smara in November 2001. According to Amnesty International (AI), his conviction was based solely on confessions that he later withdrew in court alleging that they were extracted under duress. Dkhil Moussaoui, another FVJ member, was sentenced in June to 1 year in prison for allegedly participating in a demonstration that burned down a police station. In November 2002, the four-times postponed trial of Ahmed Nassiri, also a member of the FVJ, resulted in a sentence of 18 months for instigating violence in Smara in 2001. According to AI, police abused him while in detention for refusing to sign police statements that were the sole basis for his conviction. Moroccan human rights NGOs considered these cases to be ordinary criminal cases involving assault and property damage.

Ali Salem Tamek, an official of the Moroccan Democratic Confederation of Workers and an FVJ member, undertook several hunger strikes during the year to protest conditions of his detention and his transfer to Ait Melloul prison in Agadir.

Political rights for the residents of Western Sahara remained circumscribed. Freedom of expression and freedom of peaceful assembly and association remained very restricted in the Western Sahara. A demonstration of the FVJ was disrupted in Laayoune in February. Sahrawi activists claimed that they were unable to form political associations or politically oriented NGOs. In 2002, five unemployed Sahrawi university graduates received prison sentences for participation in a peaceful demonstration in Laayoune.

Due to continuing Moroccan control of the territory of Western Sahara, the laws and restrictions regarding religious organizations and religious freedom are the same as those found in the Kingdom of Morocco.

Freedom of movement within the Western Sahara was limited in militarily sensitive areas, both within the area controlled by the Government of Morocco and the area controlled by the Polisario. Both Moroccan and Polisario security forces at times subjected travelers to arbitrary questioning. The Polisario reportedly restricted freedom of expression, peaceful assembly, association, and movement in its camps near Tindouf.

The civilian population living in the Western Sahara under Moroccan administration was subject to Moroccan law. Sahrawis had

difficulty obtaining Moroccan passports. U.N. observers and foreign human rights groups maintained that the Moroccan Government monitored the political views of Sahrawis more closely than those of other groups, and that the police and paramilitary authorities reacted especially harshly against those suspected of supporting independence and the Polisario.

In March, former political prisoner Mohamed Daddach and 12 other human rights activists and relatives of disappeared persons had their passports taken away and were prevented by Moroccan authorities from leaving the country to attend a reunion of families of missing Sahrawis in Geneva. In April, Ministry of Interior officials detained Daddach and two colleagues 6 hours after they met with MINURSO representatives in Laayoune.

Moroccan authorities banned the Laayoune chapter of the FVJ in April. Moroccan authorities claimed that the Laayoune chapter was actively lobbying for the independence of the Western Sahara. Some members of the FVJ were forced to leave the Western Sahara, reportedly because of their support for Saharan independence.

The Moroccan Government limited access to and within the territory. An official from a foreign NGO concerned with refugees who visited the territory during the year claimed Moroccan authorities did not allow him to meet with returning refugees or others whom he wished to see.

Women were subjected to various forms of legal and cultural discrimination. Female illiteracy was very high, especially in rural areas.

There was little organized labor activity in the Western Sahara. The same labor laws that apply in Morocco were applied in the Moroccan-controlled areas of the Western Sahara. A new Moroccan Code of Labor will be effective in June 2004. Moroccan unions were present in the areas of Western Sahara controlled by Morocco, but were not active. The Polisario-sponsored labor union, the Sario Federation of Labor, was also not active in the Western Sahara, where the 15 percent of the territory outside Moroccan control did not contain any major population centers or economic activity apart from nomadic herding.

There were no strikes, other job actions, or collective bargaining agreements during the year. Most union members were employees of the Moroccan Government or state-owned organizations. They were paid 85 percent more than their counterparts in Morocco as an inducement to Moroccan citizens to relocate to the Western Sahara. Workers in the Western Sahara were exempt from income and value-added taxes

Moroccan law prohibited forced or bonded labor, including by children and there were no reports that such practices occurred.

Regulations on the minimum age of employment were the same as in Morocco. Child labor did not appear to be a problem.

The minimum wage and maximum hours of work were identical to those in Morocco. However, in practice during peak periods, workers in some fish processing plants worked as many as 12 hours per day, 6 days per week, well beyond the 10-hour day, 44-hour week maximum stipulated in the Moroccan Code of Labor as revised in July. Occupational health and safety standards were the same as those enforced in Morocco. They were rudimentary, except for a prohibition on the employment of women in dangerous occupations.

Morocco adopted a new law in November to be effective in May 2004 that will impose stiff fines and prison terms against those, including government officials, involved in or failing to prevent penalties on trafficking in persons. Although Morocco was a country of origin and transit for trafficked persons, there were no reports that persons were specifically trafficked to, from, or within the Western Sahara.